

EXHIBIT 5

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00156-CV

In re Abbott Laboratories Inc.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Abbott Laboratories has filed a petition for a writ of mandamus challenging the district court's Order on Plaintiff's Motion to Compel dated January 27, 2006. We deny Abbott's petition.

On March 28, 2006, this Court granted in part Abbott's motion for temporary relief, staying the district court's order pending our resolution of Abbott's petition. Because the petition is denied, we lift the stay.

Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Filed: April 4, 2006

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00295-CV

In re Abbott Laboratories, Inc.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Abbott Laboratories has filed a petition for a writ of mandamus challenging the portion of the district court's order dated May 18, 2006, compelling production of the documents numbered 21, 26, 40, 43, 45-47, 54, and 62-67 on its privilege log. We have reviewed the documents *in camera* and we cannot hold that the district court's order was a clear abuse of discretion. *See Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). Accordingly, we deny Abbott's petition for a writ of mandamus and lift our stay of the district court's order.

Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Filed: June 21, 2006

**COURT OF APPEALS
FOR THE
THIRD DISTRICT OF TEXAS**
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
(512) 463-1733

DIANE O'NEAL, CLERK

Date: June 21, 2006
Case Number: 03-06-00295-CV
Trial Court No.: GV401286
Style: In re Abbott Laboratories Inc.

The enclosed opinion was sent this date to the following persons:

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OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS
Post Office Box 12248
Austin, Texas 78711-2248

RE: Case No. 06-0294

COA #: 03-06-00156-CV TO #: CV401268

DATE: 9/22/2006

STYLE: CN RE ABBOTT LABORATORIES, INC.

Today the Supreme Court of Texas denied the petition for writ of mandamus in the above referenced case. The stay order issued April 13, 2006 is lifted.

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INTERAGENCY



THE SUPREME COURT OF TEXAS

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September 22, 2006

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RE: Case Number: 06-0294
Court of Appeals Number: 03-06-00156-CV
Trial Court Number: GV401268

Style: IN RE ABBOTT LABORATORIES, INC.

Dear Counsel:

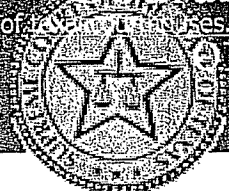
Today the Supreme Court of Texas denied the petition for writ of mandamus in the above-referenced case. The stay order issued April 13, 2006 is lifted.

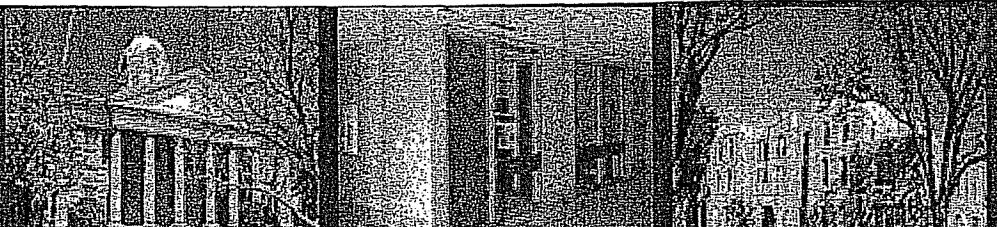
Sincerely,

Blake A. Hawthorne


Blake A. Hawthorne, Clerk
by Claudia Jenks, Chief Deputy Clerk

cc: Ms. Diane O'Neal

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 **Case # 06-0562 -> Event: petition for writ of mandamus acted upon** [CaseMail](#)


Event Information:

Event Type:	petition for writ of mandamus acted upon
Description:	Event and/or disposition refers to mandamus
Date:	4/27/2007
Disposition:	proceeding denied
Opinion Written:	

Opinions Related to this Event:

Date Issued

No records returned.

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Filed in The District Court
of Travis County, Texas

Cause No. D-1-GV-04-001286

OCT 05 2007
At 4:01 PM.
Amalia Rodriguez-Mendoza Clerk


THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
<i>ex rel.</i>	§	
	§	
VEN-A-CARE OF THE	§	
FLORIDA KEYS, INC.	§	
	§	
<i>Plaintiffs,</i>	§	TRAVIS COUNTY, TEXAS
	§	
v.	§	
	§	
ABBOTT LABORATORIES INC.,	§	
ABBOTT LABORATORIES,	§	
HOSPIRA, INC.,	§	
<i>Defendants.</i>	§	201 st JUDICIAL DISTRICT

ORDER

On September 10, 2007, came on to be heard Defendants' Motion to Compel Production of All Responsive Electronic Data and for Sanctions. All parties appeared through their respective counsel. Having examined the pleadings and heard the arguments of counsel, the Court makes the following ruling:

Under the authority of Texas Rule of Civil Procedure 215.2(b.)2., Defendants are ordered to pay \$5,000 to Plaintiffs.

Signed this 4 day of September, 2007.


John K. Dietz
Judge Presiding